

Research



FROM THE WILDERNESS is proud to present the story of U.S. Army Special Forces Captain John McCarthy, a real American hero. While some would challenge hero status for a man who admittedly was ordered to train assassination teams for the CIA during the Vietnam War (none of which carried out a mission), no one can challenge the fact that as a triple volunteer (airborne, ranger, Special Forces), John served his country with bravery, honor and distinction. Like so many of the young men who went to Vietnam, he believed in his country and what he had been taught was the rightness of its mission in the world. But this is also the story of John's

disillusionment and of his painful awakening, which came at the cost of wife family and friends. It is a story about how he stood alone, at a crucial moment, as his country broke its word to him and refused to capitulate as he saw that the moral leadership of those who gave him orders was an empty house of cards. - Mike Ruppert, 7/14/98

APPROVED FOR RELEASE ☐

DATE: 22-Jul-2010

AN AMERICAN P.O.W. -- IN AMERICA

By John McCarthy

This is true. It happened. And it happened in the United States of America and in Vietnam.

Continued suppression of the following facts and circumstances provides history with the opportunity to repeat itself. It already has once.

The United States Government claims that publication of this matter will be inimical to the National Security of our country. A more accurate phrase would be National Embarrassment. Stonewalling on this issue has worked for over thirty years. Stonewalling works. It is time to take down the wall.

On January 30, 1968, a Top Secret General Court-martial concluded that United States Army Special Forces Captain John McCarthy had murdered a Cambodian "peasant". Although facing the death penalty, the court sentenced McCarthy to "...be confined at hard labor for the term of your natural life." Deliberation on sentencing took all of three minutes. Amazingly enough, the sentence to confinement for life DID NOT include reduction in rank, forfeiture of pay and allowances, nor dismissal from the service. This remains a precedent in the history of Military Justice, i.e., an accusation followed shortly by a conviction.

McCarthy was the Case Officer in Saigon, of a CIA directed covert operation code-named PROJECT CHERRY. The operational mission of CHERRY was a redundant, three-pronged assassination team targeted against Prince NORODOM SIHANOUK, the head of state of Cambodia.

Although McCarthy was technically a member of the United States Military and Special Forces, his role as Case Officer of PROJECT CHERRY necessitated an elaborate Cover Story as a member of the Department of Defense (DOD) and was covered by identification issued by the United States Embassy in Saigon under an assumed name (John McAlister). This "cover" included absolute directives not to openly associate with any members of our military forces in Vietnam.

PROJECT CHERRY was not a Special Forces mission. This CIA activity employed Special Forces personnel who were selected for their expertise in relevant skills necessary for the conduct of BLACK TERROR and ASSASSINATION missions. The Project was buried deep within a Military Intelligence unit which was itself operating under the guise of a Civic

Action Team, a common CIA cover for covert operations world-wide. Although members of the Civic Action team wore various military uniforms and carried on activities as though they were legitimate military officers, some were full time CIA Agents.

The "operational" members of PROJECT CHERRY were Cambodians recruited from the KHMER SEREI, the Government In Exile from Cambodia, violently anti-SIHANOUK and dedicated to the overthrow of the Cambodian Government. The KHMER SEREI was recognized by the Vietnamese Government and operated openly in South Vietnam. PROJECT CHERRY employed twelve members of the KHMER SEREI. Their missions included the conduct of BLACK TERROR against the civilian population of Cambodia, while leaving evidence of their atrocities blaming Cambodian forces for their actions. The purpose of these activities was to create CIVIL UNREST and a rebellion against the Cambodian Regime. It worked. Similar operations utilizing KHMER SEREI were also directed from the United States Embassy in Bangkok, Thailand.

PROJECT CHERRY, it turns out, had been compromised by the penetration of an individual who, while holding the rank as the First Secretary of the KHMER SEREI, was the PRINCIPAL AGENT of PROJECT CHERRY and also an Operative Agent of the SOVIET KGB. He was also employed by the SIHANOUK Government at the same time. This information was provided to the United States Embassy in Saigon in February, 1967, by the leader of the KHMER SEREI, SON NGOC THANH. The Americans of PROJECT CHERRY were not notified of this revelation. This triple agent's name was INCHIN LAM. As Principal Agent, LAM coordinated the activities of the Cambodian members of PROJECT CHERRY and also packed the parachutes used by all team members, including the Americans. Lam was also involved in the murder of one of the Cambodian members of PROJECT CHERRY.

During the course of events in November, 1967, McCarthy was directed to disband PROJECT CHERRY, supposedly for budgetary considerations, and disburse its members to collateral organizations. All Cambodian members of PROJECT CHERRY were subsequently rehired by Studies and Observations Groups (SOG) targeting Cambodia, with the exception of INCHIN LAM, the Principal Agent, who could not be rehired due to unknown reasons. The only response from those employing other members of PROJECT CHERRY was, "...they would not touch LAM with a ten foot pole". LAM's association with the Soviet KGB and the SIHANOUK Regime was not known to McCarthy at that time. (It was later learned that the CIA was frantically attempting to re-double LAM against the KGB and was releasing him from all covert activities in this attempt).

LAM was taken from his "Safe House" in Saigon by McCarthy and one of his sergeants, and driven during the hours of darkness north from the city to an area occupied by a Special Forces Detachment at Ho Ngoc Tao. The purpose for this trip was to question LAM because of other issues which had just come to light during attempts to re-hire him. During the ride LAM was shot and killed from outside the vehicle by persons unknown. By McCarthy's direction, the vehicle was driven to the Special Forces Detachment and directives were given to contact an individual to assist in the temporary disposal of LAM. It was anticipated that LAM's remains would be turned over to the KHMER SEREI, as were other members in case of death.

Shortly after returning to Saigon, McCarthy was arrested and accused of the murder of INCHIN LAM. Within three days the United States Embassy in Saigon provided a \$25,000 Death Gratuity to the KHMER SEREI in hopes of appeasing them over LAM's death. The KHMER SEREI were somewhat confused. Although they did not express surprise or anger in LAM's death, they could not understand why the United States Government was going to prosecute McCarthy. After all, they had told the Embassy months earlier of LAM's true allegiance. The KHMER SEREI subsequently presented McCarthy with a plate of gold and a commendation, since the US Government had provided McCarthy's real name as the culprit in this matter. The KHMER SEREI kept the \$25,000 but they wondered how anyone could be tried for such a "revolutionary" act.

The Central Intelligence Agency offered John a ten year sentence if he would plead guilty to murder, avoid a trial, and go along with the CIA's murder of a triple agent to protect the truth that they had turned LAM back on his communist comrades. Because he was innocent of the crime John flatly refused the offer.

After 65 days of pre-trial confinement at Long Binh, Vietnam, in a 5 x 7 foot box, topped with chicken wire, a continuously burning light bulb, and a tin roof, McCarthy was tried and convicted of premeditated murder. The TET offensive of January 30, 1968 began twenty-five minutes later.

The government's key witness at trial, held virtually in-camera, was a pathologist. Captain Richard T Mason testified as an "expert" witness that LAM was killed by a .22 caliber bullet with the muzzle of the weapon held loosely or tightly, "Ébut in any case against the neck" of the victim, LAM. This testimony compelled the jury to convict, despite contrary evidence. There was also testimony about "stingers" at trial. These were single shot devices made for the CIA as assassination weapons. Although McCarthy had a .38 caliber revolver, and the sergeant with him that night had a 9mm pistol, it was Mason's "expert" testimony that won the day.

Both Robert and Ted Kennedy responded to appeals by McCarthy for assistance. They wrote letters and made calls on his behalf which had no effect on CIA's directed outcome of his trial. Bobby was assassinated on June 5, 1968.

After five months in the 5 x 7 "box", McCarthy was transported to Fort Leavenworth, Kansas, in a "prison shipment".

In September, 1968 Mason recanted his in-court testimony, in writing. He sent the recantation to Lieutenant Colonel PIERRE FINCK, his boss at the Armed Forces Institute of Pathology, in Washington, D.C. FINCK had conducted the autopsy of President John F Kennedy, in November of 1963, and had testified before the WARREN COMMISSION. FINCK was contacted in 1969 by one of McCarthy's lawyers but denied knowledge of any new or relevant information in the case. Mason didn't think it necessary or appropriate to advise McCarthy or his lawyers of his recantation.

In 1970, a lawyer working for FINCK approached McCarthy's attorney in the Pentagon Cafeteria and asked if he had seen the "McCarthy File".

Expressing surprise, both attorneys proceeded to FINCK's office and located the filing cabinet. The first document in the file was Mason's recantation. The second item was an FBI Lab report signed by J Edgar Hoover. This lab report was in response to a request for analysis of a bullet fragment removed during the autopsy of LAM. The FBI Lab report dated February 9, 1968, ten days after trial, states that the make, caliber and manufacturer of the bullet fragment could not be determined. However, the report continued, a piece of quartz was stuck to the bullet fragment. When LAM was shot, the front windshield of the vehicle had shattered, the there had been a hole in the windshield two inches from the passenger side post. Again, Mason had not thought it necessary or appropriate to notify the defense attorneys or McCarthy. The FBI sent the bullet fragment back to Vietnam "under separate cover" from the lab report. The bullet fragment was lost in the registered mail. McCarthy's defense team never had the opportunity to independently analyze the fragment.

McCarthy's lawyers immediately filed a brief with the appellate court, which cited Mason's recantation as "newly found evidence and fraud on the court". The conviction was set aside and a new trial was ordered. One of the three appellate judges disagreed with the recommendation for a new trial. To him, McCarthy's "record in intelligence and intelligence related operations, as well as the military skills associated therewith, which

he has developed," made it in defiance of "logic" that he would have murdered "the victim in the manner developed by the Government at trial and urged upon us during appellate argument." Terming McCarthy a "proven officer, thoroughly trained in intelligence operations, well-disciplined and sensitive to the ramifications of all his actions, not only with regard to the United States but to other political entities whose interests might be affected," that judge said the court should have forbidden a retrial. Then Government prosecutors described the possibility of a conviction at a new trial as "highly unlikely" and the charge of Premeditated Murder was dismissed on January 8, 1971. Immediately following the dismissal, the following organizations were briefed because of anticipated fallout: CENTRAL INTELLIGENCE AGENCY, STATE DEPARTMENT, FEDERAL BUREAU OF INVESTIGATION, DEFENSE INTELLIGENCE AGENCY, NATIONAL SECURITY COUNCIL, and THE EXECUTIVE DEPARTMENT, (PRESIDENT NIXON).

The US Government was so anxious to obtain a conviction at trial they had resorted to FABRICATING evidence in the guise of Mason's EXPERT testimony. Statements by the ranking member of the court-martial board revealed that had Mason's recantation been known or the FBI Lab report been available, the court would not have reached a guilty verdict. However, this same board member did state that if the Government had thought McCarthy innocent, they certainly would not have tried him for murder, and the court had their duty to convict. Therein lies the rub and the miscue of military justice. The statement of "we don't know how he did it, but we think he did it" exemplifies the issue.

In 1984, under the Freedom of Information Act, a search of the files in the STATE DEPARTMENT was requested with negative results. No files existed with respect to the above. However, in the office of the ASSISTANT CHIEF OF STAFF of INTELLIGENCE in the Pentagon, an affidavit dated 1968, written by the Assistant Chief of Staff addressed the concern of the STATE DEPARTMENT over the issue of granting McCarthy's civilian attorney a Top Secret clearance in order to review the files in the above matter. The information in the McCarthy case, if leaked, would seriously effect the Foreign Policy of the United States. And, of course, STATE was briefed on January 8, 1971. Also, during the summer of 1968, STATE had requested copies of the Record of Trial and allied paperwork from McCarthy's defense counsel in the Pentagon. After reviewing the material for a week, the representative from STATE returned the documents with the comment; "Had we known that this information was going to be revealed, we would never had allowed the trial to proceed in the first place". And yet there are no files on this matter at the STATE DEPARTMENT. This is of far greater significance than just denying the existence of files. What it means is that STATE was not aware of PROJECT CHERRY to begin with, and although BLACK TERROR and ASSASSINATION missions were under purview of the CIA, the STATE DEPARTMENT would have known of these activities when sanctioned by the President. Because STATE was not privy to these activities in Cambodia, there stands a very good chance that the operations conducted by PROJECT CHERRY were a ROGUE CIA directed activity designed to prolong and extend the war in South East Asia.

On October 2, 1968 John, sitting in his prison cell at Ft. Leavenworth, received a Western Union telegram from Ted Kennedy which read, "Keep chin up. Stand by for good news shortly." On Oct. 6, 1969 he was summarily released from prison and remained in a state of limbo while CIA and the Army decided what to do with him. He was sent to the Army's premier intelligence post, Fort Huachuca, where, as a convicted murderer, he was allowed to instruct other troops, in spite of the fact that he had no security clearance.

On February 8, 1970 in an article in the Washington Post entitled "Terminated Agent May Haunt U.S.", Murray Marder would write: "(W)hile comparatively obscure, the McCarthy case carries a larger potential for international complications than the celebrated Green Beret case". Eleven months later the charge was dismissed.

The Constitution of The United States guarantees all citizens the right to seek redress for grievances against the Government. The exception to this First Amendment Right is the

FERES Doctrine adopted by Congress in 1952, which states that no member of the Armed Forces may seek redress for grievances which is "incidental to service". Therefore, those citizens who wear their country's uniform into battle in order to protect the Constitution, forfeit their Rights under the Constitution. There is no recourse.

John McCarthy honorably left the service on August 2, 1971, after eleven years six months and six days of active duty. His written statement on request for release from active duty was simply put: "I no longer have the desire to serve as a commissioned officer in the United States Army".

The Author
Los Angeles, 1998

A personal note; the utter devastation of incarceration, loss of wife and children, mother and father, friends and relatives, and employment and other issues is far too voluminous for inclusion in this synopsis.

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If you want to know MORE about this subject,
may we recommend the following:

- The Carone Report
- The Tyree Papers
- The UCLA Oral History

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